



May 4, 2010

Ms. Carol Ropski
U.S. EPA--Region 5
Emergency Enforcement Services Section
77 West Jackson Blvd., SE-5J
Chicago, IL 60604-3590

Re: Bautsch-Gray Mine Site, Site ID #B5TS
General Notice of Potential Liability and Request for Information

Dear Ms. Ropski:

On behalf of my client, U.S. Bank National Association acting as Plan Trustee, I am responding to the information requests set forth in U.S. EPA's April 8, 2010 General Notice of Potential Liability and Request for Information under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9601 *et seq.*, ("Information Requests") directed to "EaglePicher" regarding the Bautsch-Gray Mine Site in Galena, Illinois ("Site"). U.S. Bank National Association serves as the Plan Trustee for the Plan Trust created in the bankruptcy proceeding of *In re: EaglePicher Holdings, Inc., et al.*, Case Nos. 05-12601 (Bankr. S.D. Ohio) ("EP II").

As detailed in my letter of April 26, 2010, Eagle-Picher Industries, Inc., the entity identified in U.S. EPA's records regarding the Site, along with other affiliated debtors, filed a voluntary petition for relief under Chapter 11 of United States Bankruptcy Code in 1991. *See In re Eagle-Picher Industries, Inc.*, Case Nos. 1-91-10100, *et al* ("EP I"). In November 1996, the United States Bankruptcy Court for the Southern District of Ohio and the United States District Court for the Southern District of Ohio jointly confirmed the reorganization plan filed by the debtors in the bankruptcy. *See In re Eagle-Picher Industries, Inc.*, 203 B.R. 256 (Bankr. S.D. Ohio 1996) ("EP I Confirmation Order"). In April 2005, the reorganized debtors from EP I, including EaglePicher Incorporated, filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code. In June 2006, the United States Bankruptcy Court for the Southern District of Ohio confirmed the plan filed by the debtors therein ("EP II Confirmation Order"). *See Eaglepicher Holdings, Inc., et al, Jointly Administered Case Nos. 05-12601, et al.* (United States District Court for the Southern District of Ohio), Order Confirming Debtors' Second Amended Joint Plan of Reorganization (June 28, 2006). Under the EP II Confirmation Order and plan, the reorganized debtors were dissolved and the Plan Trustee given the responsibility of administering the remaining estates.

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As indicated previously, the Plan Trustee believes that any U.S. EPA claim regarding this Site under CERCLA is barred as a result of these prior proceedings. Moreover, even if it were not, any distribution on a claim against EaglePicher Incorporated is zero per the terms of EP II Confirmation Order. Nevertheless, it is responding to the Information Requests as follows:

INITIAL STATEMENT

In preparing these responses, the Plan Trustee is providing the responsive information in its possession, custody or control as Plan Trustee for the estate of reorganized debtor, EaglePicher Incorporated, subject to all privileges recognized by law. By disclosing the information contained in this response, the Plan Trustee does not waive any privileges that may apply. Further, the Plan Trustee is not admitting to liability or responsibility for conditions at the Site and reserves the right to assert all claims and defenses available under law in any legal action including that any claim U.S. EPA may have regarding this Site has been discharged or barred as a result of the prior bankruptcy proceedings to which U.S. EPA was a party.

The Plan Trustee also objects to the Information Requests to the extent that they exceed the extent of U.S. EPA's statutory authority or are otherwise vague, ambiguous, overbroad, burdensome, unreasonable, arbitrary, or capricious. The Plan Trustee further objects to these requests to the extent that they seek publically available information or information that U.S. EPA can obtain through its counsel in the bankruptcy proceedings. Indeed, the Plan Trustee would recommend that U.S. EPA contact its counsel in the bankruptcy proceedings should it need additional information regarding such cases.

Operational Information:

1. Information concerning any and all EaglePicher activities at or involving the operation of the mines that comprised the Bautsch-Gray Mine Site.

ANSWER: The Plan Trustee objects to this request in that it is overbroad, vague and unreasonably assumes facts regarding the Site. Without waiving the foregoing, see Exhibit A.

2. Any and all records of material (lead, zinc, minerals, etc.) mined and/or processed at the Site.

ANSWER: The Plan Trustee objects to this request in that it is overbroad, vague, unduly burdensome, and unreasonably assumes facts regarding the Site. Without waiving the foregoing, see Exhibit A.

3. Any and all records of tailings or any other mine waste derived from the mining process at the Site, and explanations/descriptions/records of EaglePicher disposal or stabilization processes employed at the Site; including the use, production, and/or disposal of arsenic at any point throughout the Site operations.

ANSWER: The Plan Trustee objects to this request in that it is overbroad and unreasonably assumes facts regarding the Site. Without waiving the foregoing, the Plan Trustee has not identified and is not aware of any such records.

4. Any and all records of any other corporate or individual co-owners, co-operators, or silent partners involved with EaglePicher's ownership or operations at the Site.

ANSWER: The Plan Trustee objects to this request in that it is overbroad, vague and unreasonably assumes facts regarding the Site. Without waiving the foregoing, see Exhibit A.

Financial Information:

5. A copy of all records of internal financial decision-making by EaglePicher that involved the mining operations component(s) at the Site in Jo Daviess County, Illinois between 1964 and 1975.

ANSWER: The Plan Trustee objects to this request in that it is overbroad, vague and might impermissibly include privileged information. Without waiving the foregoing, the Plan Trustee has not identified and is not aware of any such records.

6. A copy of all EaglePicher final bankruptcy and reorganization decision documents related to all mining operations at the Site in Jo Daviess County, Illinois between 1964 and 1975.

ANSWER: The Plan Trustee objects to this request in that is overbroad and vague. Without waiving the foregoing, see Exhibit B, which includes the EP I Confirmation Order and Third Amended Plan of Reorganization and the EP II Confirmation Order and Second Amended Plan of Reorganization.

7. A copy of all EaglePicher records concerning creation of, definition of, and payment from any bankruptcy or post-bankruptcy fundpool/source of monies committed to environmental remediation or restoration at past or present EaglePicher sites or operations, as well as any submissions concerning these monies to the bankruptcy court, or findings of record by the court concerning these matters.

ANSWER: The Plan Trust objects to this request in that it overbroad and would encompass information that is either privileged or irrelevant to the Site. Without waiving the foregoing, see Exhibit B. The Plan Trustee recommends that U.S. EPA confer with its counsel in the bankruptcy proceedings regarding the rationale for the sites identified in its proofs of claim and the creation of the Custodial Trust in EP II.

8. A copy of the final bankruptcy reorganization decision and judgment of the court.

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ANSWER: The Plan Trustee objects to this request in that it is vague and unclear which bankruptcy proceeding U.S. EPA is referring to. Without waiving the foregoing, see Exhibit B, which includes the EP I Confirmation Order and Third Amended Plan of Reorganization and the EP II Confirmation Order and Second Amended Plan of Reorganization.

9. A list of any other corporate entities related to EaglePicher that emerged from the same bankruptcy reorganization.

ANSWER: The Plan Trustee objects to this request in that it is vague and unclear which bankruptcy proceeding U.S. EPA is referring to. Without waiving the foregoing, see Exhibit B, which includes the EP I Confirmation Order and Third Amended Plan of Reorganization and the EP II Confirmation Order and Second Amended Plan of Reorganization.

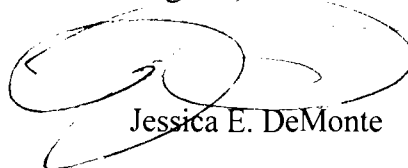
10. An explanation of why EaglePicher did not include the Bautsch-Gray Mine Site (as described/defined by EPA in this 2010 General Notice Letter) in the identified properties towards which it bore a legal duty to set aside monies for environmental remediation/restoration under a set aside fund or pool of monies.

ANSWER: The Plan Trustee objects to this request to the extent that it seeks privileged information. Without waiving the foregoing, the bankruptcy documents included in Exhibit B speak for themselves.

Given the short time frame requested for response, the Plan Trustee has conducted a good faith search of records within its possession, custody or control as a result of its role as administrator of the estate of reorganized debtor, EaglePicher Incorporated. If additional records or information are identified, it reserves the right to supplement this response.

If you have questions, please do not hesitate to contact me.

Regards,



Jessica E. DeMonte

JED/lb
Enclosures